

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES ANTHONY DAVIS,

Plaintiff,

v.

BRIAN PILLER,

Defendant.

ORDER

14-cv-687-jdp

Plaintiff James Anthony Davis is proceeding on due process and Eighth Amendment claims against defendant Brian Piller for fabricating a report of Davis overdosing on drugs that led to him being subjected to unnecessary medical procedures to treat the non-existent overdose. Piller has filed a motion for summary judgment. Rather than substantively respond to the motion, Davis has responded through a letter from a friend, stating that Davis cannot read or write, is on antipsychotic medication, and has no one to help him with this case. I take Davis to be asking for recruitment of counsel to assist him.

Previous submissions by Davis show that he has attempted to locate attorneys to take the case but who have declined his requests. But there are still issues to be resolved before I can determine whether this case is too complex for Davis to litigate on his own, and whether he qualifies financially for court-recruited counsel.

I will hold a telephonic hearing to discuss with Davis the extent of his reading and writing abilities, as well as his financial situation. The order below sets out the date and time. Attached to this order is a form the court uses to assess a plaintiff's finances. If he has assistance, Davis should fill this out and submit it to the court.

The remaining schedule will be stricken and a new schedule set once these issues are resolved.

ORDER

IT IS ORDERED that:

1. I will hold a telephonic hearing on October 4, 2016, at 9:00 a.m., on the issues discussed above. The clerk of court is directed to notify plaintiff by phone about this hearing.
2. The remaining schedule is STRICKEN.

Entered September 20, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge